



Atty. Dkt. No. 053466-0274

DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masayuki TSUCHIYA
Title: NATURAL HUMANIZED ANTIBODY
Appl. No.: 09/509,098
Filing Date: 03/22/2000
Examiner: Larry Ronald Helms
Art Unit: 1642

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The above-identified application became abandoned for failure to file a Notice of Appeal together with a response to the final Office Action mailed on September 26, 2003, which set a three-month period for response. Specifically, applicants filed a timely response on March 26, 2004 along with a petition for a 3-month extension of time and the required fee. Inadvertently, however, a notice of appeal was not filed on March 26, 2004. Subsequently, applicants received an Advisory Action mailed on April 19, 2004 indicating that the response did not overcome any of the rejections and the amendments would not be entered.

Accordingly, applicant hereby petitions for revival of this application.

1. Required reply and/or fee

The proposed reply and required fee for the above-noted Office Action in the form of a Notice of Appeal under 37 C.F.R. § 1.191 and requisite fee pursuant to 37 C.F.R. § 1.17(b) are enclosed herewith.

2. Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$1,330.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

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3. Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

4. Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

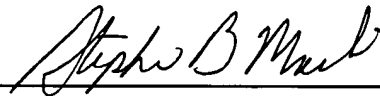
No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 22, 2004

By _____



FOLEY & LARDNER, LLP

Customer Number: 22428



22428

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